

# Bulletin Boards and Library Spaces

By Lance M. Werner, Library Law Specialist, Library of Michigan

Some public libraries in Michigan have bulletin boards or other exhibit spaces used by the public to post notices and announcements, and some permit groups or individuals to place materials such as bookmarks or newsletters in the library for public distribution. Libraries have furnished these types of information-sharing spaces both formally and informally. It is not unheard of for members of the public to utilize an area like this without consulting the library in advance, in essence creating a public forum in the library themselves, through unfettered use of a particular space. If these scenarios describe your library, it is vital to have a written policy in place, establishing the parameters of usage.

First, it is important to note that Michigan's public libraries are not required by law to furnish bulletin boards to serve as public forums for announcements, notices, etc. Nor is a library under a legal obligation to permit the public to utilize the library building as a place to distribute private materials.

Although public libraries are under no legal mandate to provide a location such as a bulletin board for public use, libraries are free to do so should they choose. There are several valid reasons to have a bulletin board for public and/or library use.

When promulgating a written policy addressing permissible uses of bulletin boards or distribution locations, it is important to be aware of legal implications involved in furnishing these types of areas. Namely, any written policy that is adopted must be in conformity with protections granted by the Constitution. To ensure that the policy complies with constitutional mandates, you may need to consult with your library's legal counsel during the policymaking process.

Additionally, policies should clearly designate a location within the library, for use by the library and possibly the public, to post notices and related materials. In the

same vein, if a library condones the use of library space as a distribution location for private materials, the library should have a written policy that expressly indicates where the materials can be placed.

Libraries basically have two options when making policies regarding this issue, public use vs. no public use. If a library selects the first option, it should make sure that its policy clearly states that the space is equally available to all. Further it may be prudent to include a disclaimer that the library does not endorse any of the opinions of the exhibitors. Finally, any restrictions adopted regarding the use of these spaces should be content and viewpoint neutral. Restrictions based on content and/or viewpoints are constitutionally problematic.

It is important to be cognizant of legal implications of providing these types of spaces. There are a number of informational resources that may prove useful. Additional information can be found at the American Library Association's Web site at <http://www.ala.org/>. If you have any questions ask your library's legal counsel. Additionally, please feel free to contact Lance M. Werner, the library law specialist at the Library of Michigan - by phone at (517) 373-1299 or via e-mail at [wernerl@michigan.gov](mailto:wernerl@michigan.gov) - for further information.